Government of Canada | Gouvernement du Canada

THE PROPOSED IMPACT ASSESSMENT SYSTEM

A TECHNICAL GUIDE

Updated April 19, 2018

Canada

A GUIDE TO THE PROPOSED NEW IMPACT ASSESSMENT SYSTEM

A clean environment and a strong economy go hand in hand. The Government of Canada is putting in place better rules to protect our environment and grow the economy while rebuilding public trust in how decisions about resource development are made. The new legislation reflects values that are important to Canadians — including early, inclusive and meaningful public engagement; nation-to-nation, Inuit-Crown, and government-to-government partnerships with Indigenous peoples; timely decisions based on the best available science and Indigenous traditional knowledge; and sustainability for present and future generations.

This guide provides a step-by-step outline of the proposed new impact assessment system that would be led by the new Impact Assessment Agency of Canada (the Agency). It includes new proposed legislative, regulatory and policy elements for each step of the process. Highlighted words throughout the guide draw attention to some key legislative provisions but are not intended to capture all aspects of the proposed new Act[1].

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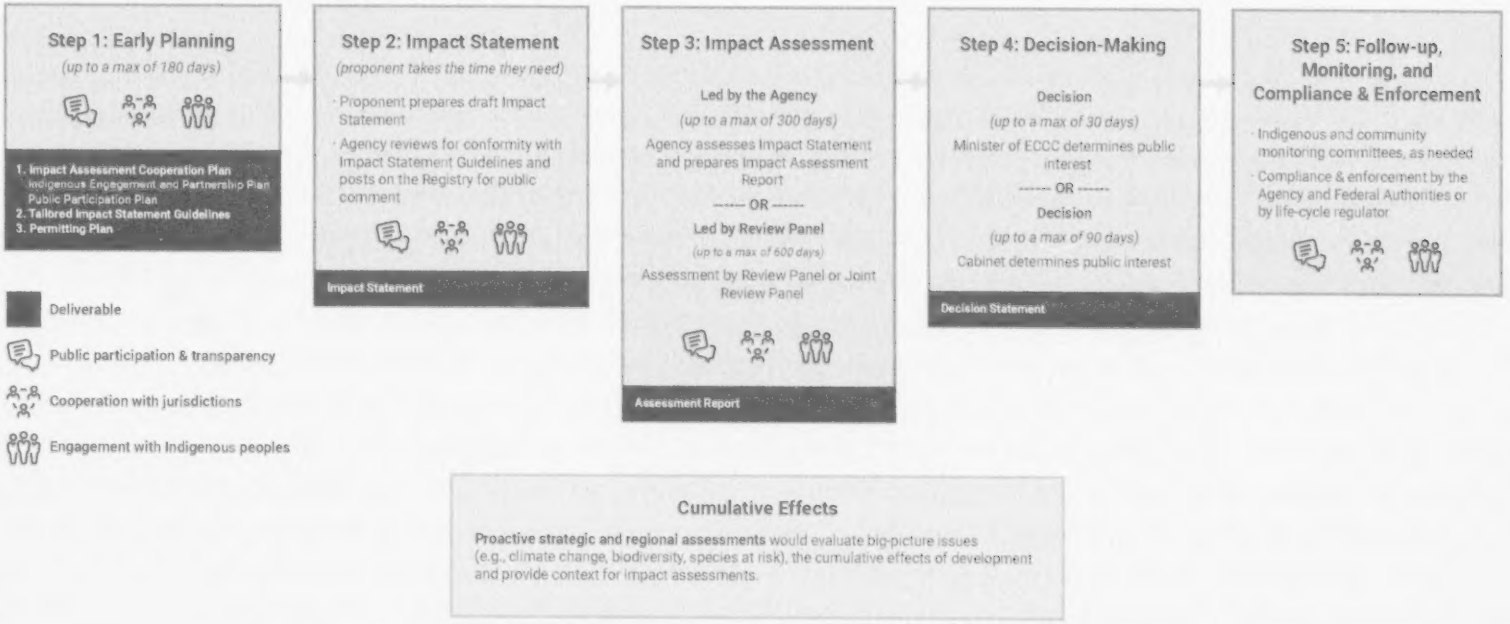
[1] This guide is for information purposes only. It is not an official interpretation or a substitute for the proposed Impact Assessment Act or any of its regulations. In the event of any inconsistency between this technical guide and the Impact Assessment Act or its regulations, the Impact Assessment Act or its regulations, as the case may be, would prevail.

KEY STEPS IN THE NEW PROPOSED SYSTEM


Step 1: Early Planning
(up to a max of 180 days)
1. Impact Assessment Cooperation Plan
Indigenous Engagement and Partnership Plan
Public Participation Plan
2. Tailored Impact Statement Guidelines
3. Permitting Plan
Step 2: Impact Statement
(proponent takes the time they need)
· Proponent prepares draft Impact Statement
· Agency reviews for conformity with Impact Statement Guidelines and posts on the Registry for public comment
Impact Statement
Step 3: Impact Assessment
Led by the Agency
(up to a max of 300 days)
Agency assesses Impact Statement and prepares Impact Assessment Report
------ OR ------
Led by Review Panel
(up to a max of 600 days)
Assessment by Review Panel or Joint Review Panel
Assessment Report
Step 4: Decision-Making
Decision
(up to a max of 30 days)
Minister of ECCC determines public interest
------ OR ------
Decision
(up to a max of 90 days)
Cabinet determines public interest
Decision Statement
Step 5: Follow-up, Monitoring, and Compliance & Enforcement
· Indigenous and community monitoring committees, as needed
· Compliance & enforcement by the Agency and Federal Authorities or by life-cycle regulator
Deliverable
Public participation & transparency
Cooperation with jurisdictions
Engagement with Indigenous peoples

Cumulative Effects

Proactive strategic and regional assessments would evaluate big-picture issues (e.g., climate change, biodiversity, species at risk), the cumulative effects of development and provide context for impact assessments.

STEP 1:
EARLY PLANNING

Projects would now go through an early planning and engagement phase where potential impacts are discussed with the public and with Indigenous peoples at the outset.

OBJECTIVES:

- ✓ Better project design and greater clarity for project proponents
- ✓ Enable early discussions between the proponent, Indigenous groups, stakeholders, and governments
- ✓ Up-front recognition of Indigenous rights
- ✓ Enhanced opportunities for cooperation and harmonization with provinces, territories and Indigenous governments to achieve "one project, one assessment"

KEY ACTIONS DURING THIS PHASE:

Proponent:

- ✓ Prepares Initial Project Description
- ✓ May undertake additional engagement and/or participate in Agency-led engagement
- ✓ Prepares Detailed Project Description reflecting feedback provided by the Agency
- ✓ Seeks input from Indigenous peoples, local communities, and others early in project planning

Agency:

- ✓ Reviews Initial Project Description against requirements
- ✓ Engages with Indigenous groups, expert federal departments and regulators, stakeholders, local communities, governments and the public on potential impacts to assess and studies required
- ✓ Consults with other jurisdictions
- ✓ Provides participant and capacity funding to Indigenous groups
- ✓ Determines if an impact assessment is required

Indigenous Groups:

- ✓ Identify key issues of concern including potential impacts on rights and people
- ✓ Indicate interest in leading part or all of assessment
- ✓ Participate in engagement sessions
- ✓ Co-develop Indigenous Engagement Plan

Other Jurisdictions:

- ✓ Identify opportunities to cooperate and harmonize processes

OVERVIEW

In the early planning phase, the proponent must provide the Impact Assessment Agency of Canada (the Agency) with an initial description[10] of a proposed designated project. This initial description would allow the Agency to determine whether the proposed project is a designated project under the Impact Assessment Act. The initial description would also include sufficient detail to ensure that information is provided early enough to potentially affected communities and Indigenous groups so that the design of the project may be meaningfully influenced through the proponent's engagement with those groups.

The Impact Assessment Act requires the Agency to provide feedback[14] to the proponent based on the results of consultations with other jurisdictions and with potentially affected Indigenous groups. Upon receipt of Agency feedback, the proponent proceeds with the next step in the planning phase by completing a project description that is more detailed than the initial project description. The detailed project description would include updated information from the initial project description, demonstrating how the proponent is addressing the issues that were raised as well as information about the possible environmental, social, health and economic effects of the project which will support planning of the assessment.

The information required to support this and other phases of the assessment would be set out in regulations. The information must be sufficient for the Agency to determine whether to require an impact assessment. It is not intended to drive the proponent to prematurely undertake analysis, studies and the generation of other information that is more appropriately left to the Impact Statement preparation phase.

Regional and strategic assessments could provide additional information that would support the early planning phase including the identification of issues and information requirements.

INDIGENOUS ENGAGEMENT

Early engagement with Indigenous peoples would allow the Agency to facilitate early identification of issues and better inform the proponent's evolving project design and project proposal. Processes aimed at securing consent would be developed in collaboration[155] with Indigenous peoples, with the aim to build deeper collaboration, consensus and new ways of working together.

SECTION 10

(1) The proponent of a designated project must provide the Agency with an initial description of the project that includes the information prescribed by regulations (...)

SECTION 14

(1) The Agency must provide the proponent with a summary of issues with respect to the designated project that it considers relevant, including issues that are raised by the public or by any jurisdiction or Indigenous group that is consulted under section 12, and with any information or knowledge made available to it by a federal authority that the Agency considers appropriate.

SECTION 155

The Agency's objects are:

(i) to engage in consultation with the Indigenous peoples of Canada on policy issues related to this Act.

A new Capacity Building Program would be introduced to provide longer-term financial support, outside of project-specific participant funding, to support the development of internal capacity within Indigenous communities and organizations.

PUBLIC PARTICIPATION

The Agency would also be required to provide the public with an opportunity to participate[11] in the planning phase. For example, the public would be invited to provide input on the proponent's initial project description.

SECTION 11

The Agency must ensure that the public is provided with an opportunity to participate in its preparations for a possible impact assessment of a designated project, including by inviting the public to provide comments within the period that it specifies.

ONE PROJECT, ONE ASSESSMENT

The Impact Assessment Act requires the Agency to offer to consult other jurisdictions and any Indigenous group[12] that may be affected by the designated project as part of the planning phase.

An assessment of a designated project may also be required under provincial legislation or by an Indigenous jurisdiction. The Agency will work with these jurisdictions during the early planning phase as it determines whether an impact assessment is required. If an impact assessment is required, plans for the assessment would be developed in cooperation with these jurisdictions with the goal of a single assessment process that meets the requirements of the jurisdictions involved.

SECTION 12

For the purpose of preparing for a possible impact assessment of a designated project, the Agency must offer to consult with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project and any Indigenous group that may be affected by the carrying out of the designated project.

INDIGENOUS JURISDICTION

To enable further opportunities for "one project, one assessment", the Act includes provisions expanding the definition of jurisdiction. This means that tools for cooperation, such as substitution, would be more broadly available to Indigenous jurisdictions. This includes Indigenous governments that have existing powers in relation to impact assessment in other legislation, such as First Nations under the First Nations Land Management Act, and Indigenous governments that may enter into agreements[114] with Canada pursuant to new regulations for Indigenous cooperation created under this Act.

The new Indigenous regulations would also provide opportunity to expand the jurisdiction of Modern Treaty bodies to take on powers to conduct assessment activities under the Act and to exercise these powers throughout treaty settlement lands[114], not only on Indigenous-owned lands.

SECTION 114

(1) For the purposes of this Act, the Minister may

(d) if authorized by the regulations, enter into agreements or arrangements with any jurisdiction referred to in paragraph (e) or (f) of the definition jurisdiction in section 2

SECTION 114

(1)(d)(ii) in relation to lands, specified in the agreement or arrangement, with respect to which it does not already have powers, duties or functions in relation to an assessment of the environmental effects of a designated project

COOPERATION AGREEMENTS

The Government of Canada proposes to establish formal cooperation agreements[114] with interested jurisdictions (provincial, territorial, or Indigenous) to achieve "one project, one assessment". These cooperation agreements would describe key principles, processes and mechanisms needed to ensure that assessment processes are implemented in an efficient and coordinated manner. Working together to clarify and integrate jurisdictional processes in pursuit of "one project, one assessment" would lead to more efficient, predictable assessments, and be central to enabling good projects to proceed and resources to get to market.

SECTION 114

(1) For the purpose of this Act, the Minister may

(c) enter into agreements or arrangements with any jurisdiction referred to in paragraphs (a) to (g) of the definition *jurisdiction* in section 2 respecting assessments of effects

DECISION REGARDING THE NEED FOR AN IMPACT ASSESSMENT

At the end of the early planning phase, the Agency would need to determine[16] whether an impact assessment is required for a designated project. This decision would consider whether there may be potential adverse effects on matters under the legislative authority of Parliament or the potential for adverse effects resulting from federal decisions. The decision would consider the results of any relevant regional or strategic assessment. Consultations with other jurisdictions, Indigenous groups and input provided by the public would inform this decision. Expert advice from other federal authorities, including those that may be required to make regulatory decisions about the project, would also be considered.

SECTION 16

(1) After posting a copy of the notice on the Internet site under subsection 15(3), the Agency must, subject to section 17, decide whether an impact assessment of the designated project is required.

In addition to providing sufficient information to determine if an impact assessment is required, early engagement and planning will help inform the development documents that would be used to guide the impact assessment process:

- Impact Assessment Cooperation Plan – This would be established between the Agency and jurisdictions on the assessment process. It may also establish harmonized timelines, when possible, with other jurisdictions. This would also include the following two plans:
  - Indigenous Engagement and Partnership Plan – This would be developed jointly with Indigenous jurisdictions and describe how Indigenous groups would be engaged throughout the assessment process and be posted on the Agency website.
  - Public Participation Plan – Developed by the Agency in consultation with others, it would outline public participation during the assessment process and be posted on the Agency website for comments.

- Tailored Impact Statement Guidelines – This document would be developed by the Agency in consultation with others to outline the information required of the proponent in its Impact Statement. These guidelines would be posted on the Agency website for public comment before being finalized.
- Permitting Plan – This permitting plan would be developed by the Agency in coordination with federal regulators. It would provide the proponent with an outline of the anticipated permits, licences, and authorizations required for the project. It would be posted on the Agency website.

TIME LIMIT

The Impact Assessment Act proposes a new timeline of up to 180 days[18] for the planning phase. It would begin when a proponent submits an initial description of the designated project to the Agency and ends when the Agency issues the notice of commencement and provides the proponent with Impact Statement guidelines. The Minister would be able to extend this time limit by up to 90 days. The Governor in Council could further extend this time limit, if required.

SECTION 18

(1) If the Agency decides that an impact assessment of a designated project is required (…) the Agency must, within 180 days from the day on which it posts a copy of the description of the designated project (…), provide the proponent of that project with

(a) a notice of the commencement of the impact assessment of the project that sets out the information or studies that the Agency considers necessary for it to conduct the impact assessment; and

(b) any documents that are prescribed by regulations (…).

STEP 2:
IMPACT STATEMENT

Under the proposed Impact Assessment Act, the proponent would be provided with clear requirements for the necessary information and studies required to prepare its Impact Statement. The Impact Statement should be informed by sound science and Indigenous traditional knowledge.

OBJECTIVES:

- ✓ Certainty for proponents
- ✓ Strong science and evidence base for assessment and decision -making

KEY ACTIONS DURING THIS PHASE:

Proponent:

- ✓ Collects information and conducts studies as described in the Tailored Impact Statement Guidelines
- ✓ Considers Indigenous traditional knowledge provided
- ✓ Undertakes analysis of potential impacts of the designated project
- ✓ Prepares Draft Impact Statement
- ✓ Finalizes Impact Statement

OVERVIEW

PROPONENT ROLE

The Impact Statement is a document prepared by the proponent that identifies the potential impacts of a designated project.

The early planning phase of the impact assessment would be used to appropriately scope and articulate the issues to be considered. This would result in more clear and precise guidelines than the generic ones typically used under the current process. These Tailored Impact Statement Guidelines, issued to the proponent by the Agency at the end of the early planning phase, would describe the necessary information and studies that are required to be included in the proponent's Impact Statement. Tailored Impact Statement Guidelines would ensure certainty and clarity for the proponent on the requirements for baseline information and the necessary studies for the impact assessment. Greater clarity from the outset of the impact assessment is expected to reduce information requests during the assessment process, resulting in a more efficient impact assessment process and more timely decisions.

The proponent would develop its draft Impact Statement and submit it to the Agency.

The timing for completing an Impact Statement is up to the proponent, but it must be provided the Agency **within three years**[19] after the Tailored Impact Statement Guidelines are issued by the Agency. This prevents situations where Impact Statement Guidelines may no longer be up to date. Recognizing that flexibility may be required if circumstances change for a proponent, the Agency may **extend this timeline**[19] and, where appropriate, may **require additional or updated information**[19].

In order to ensure the rigour of impact assessments, the proponent's Impact Statement would take into account **scientific information, evidence, community knowledge, and Indigenous traditional knowledge**[6].

SECTION 19

(1) The proponent of a designated project must provide the Agency with the information or studies that are set out in the notice of commencement of the impact assessment of the designated project within three years after the day on which a copy of that notice is posted on the Internet site.

(2) On the proponent's request, the Agency may extend the time limit for any period that is necessary for the proponent top provide the Agency with the information or studies.

(3) If the Agency extends the time limit, it may require the proponent to provide it with any additional information or studies that the Agency considers necessary for it to conduct the impact assessment.

SECTION 6

(1) The purposes of this Act are

(j) to ensure that an impact assessment takes into account scientific information, traditional knowledge of the Indigenous peoples of Canada and community knowledge

AGENCY ROLE

The Agency would review the proponent's Impact Statement for completeness against the Tailored Impact Statement Guidelines. When the Agency determines that the proponent has provided all relevant information and studies, the Agency would post a notice[19] informing the public that the Impact Statement is complete and posted on the Agency's website. The Agency either commences an assessment of the Impact Statement or the assessment is referred by the Minister to a review panel.

REFERRAL TO REVIEW PANEL

The Minister may determine within 45 days[36] of the commencement of the impact assessment, whether it is in the public interest[36] to refer the impact assessment to a review panel. In making this decision, the Minister must consider the potential adverse impacts of the project, public concern about the impacts of the project, and opportunities for cooperation with other jurisdictions.

The Minister of Environment and Climate Change would also have the ability to enter into an agreement with another Canadian jurisdiction[36] to jointly establish a review panel. Joint review panels are a key cooperative mechanism under the proposed Act.

SECTION 19

(4) When the Agency is satisfied that the proponent has provided it with all of the information or studies, it must post a notice of that determination on the Internet site.

SECTION 36

(1) Within 45 days after the day on which the notice of commencement of the impact assessment of a designated project is posted on the Internet site, the Minister may, if he or she is of the opinion that it is in the public interest, refer the impact assessment to a review panel.

(2) The minister's determination regarding whether the referral of the impact assessment of the designated project to a review panel is in the public interest must include a consideration of the following factors

(a) The extent to which the effects within federal jurisdiction or the direct or incidental effects that the carrying out of the designated project may cause are adverse;

(b) Public concerns related to those effects; and

(c) Opportunities for cooperation with any jurisdiction that has powers, duties or functions in relation to an assessment of the environmental effects of the designated project or any part of it.

STEP 3:
IMPACT ASSESSMENT

The impact assessment phase would be reoriented from environmental assessment focused on reducing environmental effects to a holistic impact assessment with a focus on sustainability, where broader impacts would be considered.

OBJECTIVES:

- ✓ Foster sustainability
- ✓ Ensure consistency and predictability
- ✓ Consider science, evidence and Indigenous traditional knowledge in impact assessments

KEY ACTIONS DURING THIS PHASE:

Proponent:

- ✓ Submits Impact Statement
- ✓ Responds to information requests
- ✓ Conducts additional studies, as required
- ✓ Participates in public engagements sessions, hearings, etc.

Agency or Review Panel:

- ✓ Leads public engagement sessions
- ✓ Leads engagement and consultation with Indigenous peoples
- ✓ Works with other jurisdictions to achieve "one project, one assessment"
- ✓ Collaborates with other federal departments and other jurisdictions
- ✓ Conduct holistic impact assessments with a focus on sustainability
- ✓ Prepares Impact Assessment Report

Indigenous Groups:

- ✓ May lead part or all of the assessment
- ✓ May contribute Indigenous traditional knowledge
- ✓ Provides input into the assessment process

Other Jurisdictions (federal, provincial, territorial, Indigenous):

- ✓ Identifies opportunities to cooperate and harmonize processes

OVERVIEW

SUSTAINABILITY

The mandate of the new Act[6] would be expanded to require the consideration of sustainability and the application of the precautionary principle in impact assessment. As well, under the proposed new Act, the scope of assessment would be broadened to include environmental, economic, social, health and gender impacts. There would be a requirement to consider both the short-term and lasting positive and negative effects of a project. This would support a focus on sustainability[7] where lasting benefits would be favored rather than simple trade-offs related to short-term gains.

SECTION 6

(2) The Government of Canada, the Minister, the Agency and federal authorities, in the administration of this Act, must exercise their powers in a manner that fosters sustainability and applies the precautionary principle.

SECTION 2

Sustainability means a state in which the environment as well as the health and social and economic well-being of the people of Canada are protected or enhanced in a manner that benefits present and future generations.

FACTORS TO BE CONSIDERED IN IMPACT ASSESSMENTS

The broadened scope of impact assessments would take into account the breadth of issues that are of concern to Canadians. A number of factors have been added or restored[22] to the impact assessment process to ensure a sustainability focus. These factors include:

- interactions between the impacts (e.g., environmental changes that may lead to adverse health and social impacts)
- need for the project
- other means of implementing the project including the use of best available technologies to carry out the project (e.g., choosing technologies that have lower greenhouse gas emissions)
- alternatives to the project
- extent to which the project contributes to sustainability
- extent to which the project affects the Government of Canada's ability to meet its environmental obligations and commitments related to climate change (e.g., Paris Agreement on climate change)
- impact assessments would require consistent use of Gender-Based Analysis Plus (GBA+), looking at matters that are related to gender issues, impact on vulnerable groups, and overall effect of on communities (e.g., the influx of people in a temporary work camp).
- any relevant regional or strategic assessment initiated by the federal government or another jurisdiction

SECTION 22

(1) The impact assessment of a designated project must take into account the following factors:

(a) The effects of the designated project, including

iii. The result of any interaction between those effects; (...)

(d) the purpose of and need for the designated porject;

(e) alternative means of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means; (...)

(h) the extent to which the designated project contributes to sustainability;

(i) the extent to which the effects of the designated project hinder or contribute to the Governement of Canada's ability to meet its environmental obligations and its commitments in respect of climate change; (...)

(p) any relevant assessment referred to in section 92, 93 or 95; (...)

(r) any study or plan that is conducted or prepared by a jurisdiction, that is in respect of a region related to the designated project and that has been provided with respect to the project;

(s) the intersection of sex and gender with other identity factors;

INDIGENOUS ENGAGEMENT AND PARTNERSHIP

The proposed new Act would also expand the range of potential impacts on Indigenous peoples[22] that are considered in assessments and require that assessments take into account Indigenous rights and culture. It would also be mandatory to consider Indigenous traditional knowledge provided. Traditional knowledge would be protected from unauthorized release and managed in accordance with Indigenous laws and protocols.

Tools and guidance would be developed collaboratively with Indigenous peoples to better support and systematically consider Indigenous traditional knowledge alongside science and other evidence.

The Agency would be required to establish an Indigenous Advisory Committee[158] to serve as a new mechanism for ongoing collaboration in the development of policy and guidance to support implementation of the legislation.

SECTION 22

(1) (c) the impact that the designated project may have on any Indigenous group and any adverse impacts that the designated project of the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982;

SECTION 158

(1) The Agency must establish an advisory committee to advise it with respect to the interests and concerns of the Indigenous peoples of Canada in relation to assessments to be conducted under this Act.

SCIENCE AND EVIDENCE

In order to enhance the rigour of impact assessments, decisions would be guided by science, evidence, community knowledge, and Indigenous traditional knowledge. Science and evidence would be rigorously tested by federal scientists and made available for third party reviews, as needed.

The Agency would establish a Technical Advisory Committee[157] on science and knowledge to advise the Agency on issues related to impact assessments, such as research priorities and technical guidance documents.

Improved transparency measures would ensure that the science used in an impact assessment is open and accessible.

SECTION 157

(1) The Agency must establish an expert committee to advise it on issues related to impact assessments, including scientific, environmental, health, social or economic issues.

PUBLIC PARTICIPATION

The proposed Impact Assessment Act would ensure that all Canadians can have a say and participate in impact assessments. The requirements for individuals to meet specific criteria to participate in assessments (i.e., the "standing test" or "interested party" requirements) would be removed.

The existing participant funding programs[75] would be enhanced to support Indigenous and public participation for impact assessment. This includes expanding eligible activities and creating a more efficient funding process.

SECTION 75

(1) The Agency must establish a participant funding program to facilitate the participation of the public in

(a) the Agency's preparations for the possible impact assessment of – or the impact assessment of and the design or implementation of follow-up programs in relation to – designated projects (...)

The Registry website[104], which provides convenient public access to information, would be enhanced to enable greater access to information on impact assessment and regulatory processes. The enhanced Registry would also provide interactive approaches to improve the searching, usability and accessibility of information.

The Impact Assessment Act would also require the Minister to establish an advisory council[117] to advise on issues related to the implementation of impact assessments as well as regional and strategic assessments.

SECTION 104

(1) There is to be a registry called the Canadian Impact Assessment Registry, consisting of an Internet site and project files.

(2)The Registry must be operated in a manner that ensures convenient public access to it. (...)

SECTION 117

(1) The minister must establish an advisory council to advise him or her on issues related to the implementation of the impact assessment and regional and strategic assessment regimes set out under this Act.

GOVERNANCE

A single federal agency would now be responsible for conducting the impact assessments of designated projects. Previously, there were three government agencies – Canadian Environmental Assessment Agency, the National Energy Board (NEB) and the Canadian Nuclear Safety Commission (CNSC) – that conducted environmental assessments and made decisions on designated projects.

The Canadian Environmental Assessment Agency would now become the Impact Assessment Agency of Canada[155] (the Agency). It would be responsible for leading assessments and coordinating consultations with Indigenous peoples throughout the federal impact assessment process for all federally designated projects. This new structure would bring about greater process integrity and ensure consistency in how major projects are assessed and consultations are conducted, and would help to make the process more accessible to all Canadians, by providing a single-window point of contact for all types of assessments.

SECTION 155

The Agency's objects are

(a) to conduct or administer impact assessments and administer any other requirements and procedures established by this Act and the regulations;

(c) to promote uniformity and harmonization in relation to the assessment of effects across Canada all levels of government;

AGENCY LED IMPACT ASSESSMENTS

The Agency would be responsible for assessing the sufficiency and accuracy of the proponent's Impact Statement. Federal authorities would participate in this step of the impact assessment by providing expert advice[23].

SECTION 23

Every federal authority that is in possession of specialist or expert information or knowledge with respect to a designated project that is subject to an impact assessment must, on request, make that information available, within the specified period (...)

The Agency may require the proponent to provide clarification or further information[26] to understand the potential impacts of the project. The Agency reviews the additional information submitted by the proponent for adequacy and accuracy. If any information gaps remain or clarifications are needed, the proponent provides additional information to the Agency. It is anticipated that effective early planning and engagement and effective work by proponents in completing the Impact Statement will reduce the number and complexity of information requests, resulting in a more effective and timely impact assessment process.

For impact assessments led by the Agency, the Agency is responsible for preparing the Impact Assessment Report[25]. The draft Impact Assessment Report must be posted on the Agency's website for public comment.

The Impact Assessment Report[28] must describe the potential positive and negative impacts of the project and the severity of those impacts.

SECTION 26

(2) However, if the Agency is of the opinion that there is not sufficient information available to it for the purpose of conducting the impact assessment or preparing the report with respect to the impact assessment, it may require the collection of any information or the undertaking of any study that, in the Agency's opinion, is necessary for that purpose, including requiring the proponent to collect that information or undertake that study.

SECTION 25

The Agency must ensure that

(a) an impact assessment of the designated project is conducted; and

(b) a report is prepared with respect to that impact assessment.

SECTION 28

(1) The Agency must ensure that a draft report with respect to the impact assessment of a designated project is prepared, and must ensure that the following are posted on the Internet site:

(a) A copy of the draft report or an indication of how a copy may be obtained; and

(b) A notice that invites the public to provide comments on the draft report within the period specified.

(3) The report must set out the effects that, in the Agency's opinion, are likely to be caused by the carrying out of the designated project. It must also indicate, from among the effects set out in the report, those that are adverse effects within federal jurisdiction and those that are adverse direct or incidental effects, and specify the extent to which those effects are adverse.

TIMELINES FOR IMPACT ASSESSMENT BY THE AGENCY

The time limit for an impact assessment conducted by the Agency is up to 300 days[28] from the time that the Agency posts a notice that it is satisfied that the proponent has provided all of the information that was requested and ends when the final report is submitted to the Minister and posted on the website.

Prior to the commencement of the impact assessment the Minister may set a longer or shorter time limit than 300 days to cooperate with another jurisdiction or to take into account project specific circumstances. This decision and the reasons would be posted on the website.

SECTION 28

(2) After taking into account any comments received from the public, the Agency must, subject to subsection (5), finalize the report with respect to the impact assessment of the designated project and submit it to the Minister no later than 300 days after the day on which the notice referred to in subsection 19(4) is posted on the Internet site.

ASSESSMENTS WHERE THERE IS A LIFE-CYCLE REGULATOR

For impact assessments of designated projects regulated by the proposed new Canadian Energy Regulator or the Canadian Nuclear Safety Commission, the impact assessment would integrate the regulatory review requirements to the greatest extent possible.

If the Agency concludes that an impact assessment is required for a designated project that is regulated under the *Nuclear Safety and Control Act* or the proposed Canadian Energy Regulator Act, then the Minister must refer the assessment to a review panel[43]. The assessment would meet requirements under the Impact Assessment Act and the respective regulatory Act (i.e., the proposed Canadian Energy Regulator Act and Nuclear Safety and Control Act). The Agency would lead in providing support to the review panel, with assistance from life-cycle regulators, using the procedures established under the Impact Assessment Act and its regulations, and ensuring the impact assessment and regulatory expertise required are available to the review panel. Life-cycle regulators would participate in engagement activities for all stages of the impact assessment process.

SECTION 43

The Minister must refer the impact assessment of a designated project to a review panel is the project includes physical activities that are regulated under any of the following Acts:

(a) the Nuclear Safety and control Act;

(b) the Canadian Energy Regulator Act.

The integrated review would result in one report with two sections: an impact assessment report and regulator recommendations. The decision as to whether the project's adverse effects in federal jurisdiction are in the public interest would rest with Cabinet. The life-cycle regulator would continue to be responsible for monitoring project compliance with conditions throughout the project's life-cycle.

REVIEW PANEL LED IMPACT ASSESSMENTS

In addition to projects where there is a life-cycle regulator, the Minister may also refer other impact assessments to a review panel[36]. When an impact assessment is conducted by a review panel, the review panel is responsible for holding hearings and preparing the Impact Assessment Report[51]. The Review Panel's Impact Assessment Report must describe the potential impacts of the project, a summary of comments received from the public, and the review panel's recommendations[51].

TIMELINES FOR IMPACT ASSESSMENT BY REVIEW PANEL

For impact assessments conducted by a review panel, the time limit would be up to 600 days[37] from the day on which the panel members were appointed for the review panel to submit the final report to the Minister.

Before the referral to review panel the Minister may set a longer or shorter time limit for the assessment to account for project specific circumstances or to cooperate with a jurisdiction.

SECTION 36

(1) Within 45 days after the day on which the notice of the commencement of the impact assessment of a designated project is posted on the Internet site, the Minister may, if he or she is of the opinion that it is in the public interest, refer the impact assessment to a review panel.

SECTION 51

(1)(c) hold hearings in a manner that offers the public an opportunity to participate in the impact assessment;

(d) prepare a report with respect to the impact assessment that:

(i) sets out the effects that, in the opinion of the review panel, are likely to be caused by the carrying out of the designated project,

(ii) indicates which of the effects refer to in subparagraph (i) are adverse effects within federal jurisdiction and which are adverse direct or incidental effects, and specifies the extent to which those effects are adverse,

(iii) sets out a summary of any comments received by the public, and

(iv) sets out the review panel's rationale, conclusions and recommendations, including, conclusions and recommendations with respect to any mitigation measures and follow-up program

SECTION 37

(1) If the Minister refers the impact assessment of a designated project to a review panel, the review panel must, subject to subsection (2), submit the report with respect to the impact assessment of the designated project to the Minister no later than 600 days after the day on which the Minister appoints to the panel the minimum number of members required.

DELEGATION

The proposed Impact Assessment Act would allow the Agency to delegate[29] an assessment, in whole or in part, to another jurisdiction. For example, another jurisdiction could take on preparation of part of an assessment report based on the results of both jurisdictions' analyses. Delegation could also facilitate cooperation with another jurisdiction that lacks the capacity to assess all aspects of a project, but has interest and expertise in specific areas related to the project. Delegation is a tool to improve the efficiency and effectiveness of the assessment process, while maintaining the ability for each jurisdiction to retain their respective decision-making authorities.

SECTION 29

The Agency may delegate to any person, body or jurisdiction (...) the carrying out of any part of the impact assessment of the designated project and the preparation of the report with respect to the impact assessment of the designated project.

FEDERAL LANDS

The Impact Assessment Act would include additional measures to provide greater transparency with respect to notification of proposed projects on federal lands and outside Canada as well as decisions related to those projects.

To ensure that non-designated projects on federal lands[82] are adequately assessed, new requirements and transparency measures are proposed. New transparency requirements would include the requirement to publish both a notice of a proposed project and a decision on the significance of effects on the Agency website. Additionally, federal lands assessments would be required to consider a set of mandatory factors (e.g., adverse impacts on the rights of Indigenous peoples, Indigenous traditional knowledge, community knowledge, comments received from the public, mitigation measures etc.).

In addition, as part of the public consultations on what type of projects would be required to undergo an impact assessment under the proposed Impact Assessment Act, projects on federal lands, including reserve lands, will be examined to ensure that appropriate projects are included for impact assessments.

SECTION 82

An authority must not carry out a project on federal lands, exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a project to be carried out, in whole or in part, on federal lands or provide financial assistance to any person for the purpose of enabling that project to be carried out, in whole or in part, on federal lands, unless

(a) the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or

(b) the authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides, under subsection 90(3), that those effects are justified in the circumstances.

STEP 4:
DECISION-MAKING

The proposed Impact Assessment Act is introducing substantial changes to decision making for designated projects. The concept of public interest would be at the center of decisions related to designated projects that are subject to impact assessment.

OBJECTIVES:

- √ Timely decisions in public interest
- √ Decisions are transparently reported

KEY ACTIONS DURING THIS PHASE:

Minister:

- √ Determines whether the adverse effects within federal jurisdiction are in the public interest for impact assessments conducted by the Agency
- √ May choose to refer the determination of public interest for an impact assessment conducted by the Agency to Governor in Council
- √ Issues a Decision Statement that informs the proponent of the decision, enforceable conditions and the reasons for the decision for all designated projects.

Governor in Council:

- √ Determines whether the adverse effects within federal jurisdiction are in the public interest for impact assessments conducted by a review panel
- √ Determines whether the adverse effects within federal jurisdiction are in the public interest when the Minister has referred the decision for an impact assessment conducted by the Agency

Agency:

- √ Makes public the Decision Statement and reasons for decision on the Agency website

OVERVIEW

PUBLIC INTEREST DECISION

Currently, under the *Canadian Environmental Assessment Act, 2012*, the decision at the end of an environmental assessment is whether the designated project is likely to cause significant adverse environmental effects within federal jurisdiction. The Impact Assessment Act would require that the impact assessment report identify the positive and negative environmental, health, social and economic effects that the designated project is likely to cause. For the purposes of decision-making[60], the report would indicate those effects which are adverse and under federal jurisdiction. The report would also indicate adverse effects that would directly result from other federal decisions about the project.

The Minister or the Governor in Council must then decide whether the project's adverse effects, that are within federal jurisdiction or that are directly linked or incidental to other federal decisions about the project, are within the public interest. The following factors[63] would guide this public interest decision:

- the report with respect to the impact assessment, which would set out – among other things – the environmental, social, economic, health and gender effects of the project, and its potential impacts on the rights of Indigenous peoples
- the designated project's contribution to sustainability
- the extent to which the effects within federal jurisdiction or that would directly result from other federal decisions about the project are adverse
- mitigation measures (e.g., use of renewable energy to reduce greenhouse gas emissions)
- the impact the designated project may have on any Indigenous groups that may be affected and the impact on their rights
- whether the effects negatively or positively affect the Government of Canada's ability to meet its environmental obligations and climate change related commitments (e.g., commitments under the Paris Agreement).

SECTION 60

(1) After taking into account the report with respect to the impact assessment of a designated project that is submitted to the Minister under subsection 28(2) or at the end of the assessment under the process authorized by section 31, the Minister must

(a) determine if the adverse effects within federal jurisdiction – and the adverse direct or incidental effects – that are indicated in the report are, in light of the factors referred to in section 63, in the public interest;

SECTION 63

The Minister's determination under paragraph 60(1)(a) in respect of a designated project referred to in that subsection, and the Governor in Council's determination under section 62 in respect of a designated project referred to in that subsection, must include a consideration of the following factors:

(a) the extent to which the designated project contributes to sustainability;

(b) the extent to which the adverse effects within federal jurisdiction (...) are adverse;

(c) the implementation of mitigation measures (...);

(d) the impact that the designated project may have on any Indigenous group (...); and

(e) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitment in respect of climate change.

For assessments conducted by the Impact Assessment Agency of Canada, the Minister makes the public interest decision but has discretion to refer[62] this decision to the Governor in Council. For all impact assessments conducted by a review panel, the Minister must refer all public interest decisions to the Governor in Council.

To provide greater transparency[65], the decision statement must include the reasons for the decision, including an explanation of how the public interest factors were considered.

DECISION STATEMENTS

The Minister of Environment and Climate Change would continue to issue decision statements to proponents. Decision statements contain the public interest decision made by either the Minister or the Governor in Council, the project decision, enforceable conditions with which the proponent must comply, reasons for the decision, and an expiry date for the decision statement in the event the proponent does not substantially begin the project in a certain time period. Conditions in decision statements for designated projects that are also regulated by the Canadian Energy Regulator would continue to be incorporated into the license or permit of the respective life-cycle regulator. For designated projects that are regulated by the Canadian Nuclear Safety Commission, the Minister may designate any conditions that are included in the decision statement to be part of the license issued by the Canadian Nuclear Safety Commission.

The Canadian Environmental Assessment Act, 2012 does not include provisions that would allow for amendments or changes to be made to decision statements once they are issued. In order to provide flexibility and allow for adaptive management, the new Act would provide the Minister with the authority to amend decision statements[68], including adding, removing or amending conditions. This authority does not allow the Minister to change the public interest decision, and could only be exercised if newly amended conditions will not increase the adverse effects caused by the project. This would provide the flexibility required to change conditions during project implementation if needed.

SECTION 62

If the matter is referred to the Governor in Council under paragraph 60(1)(b) or section 61, the Governor in Council must, after taking into account the report with respect to the impact assessment of the designated project that is the subject of the referral, determine whether the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — that are indicated in the report are, in light of the factors referred to in section 63, in the public interest.

SECTION 65

(1) The Minister must issue a decision statement to the proponent of a designated project that

(a)Informs the proponent of the determination made under paragraph 60(1)(a) or section 62 in relation to that project and the reasons for that;

SECTION 66

The Agency must post on the Internet site any decision statement that the Minister issues under section 65.

SECTION 68

(1) The Minister may amend a decision statement, including to add or remove a condition, to amend any condition or to modify the designated project's description. However, the Minister is not permitted to amend the decision statement to change the decision included in it.

TIMELINES

The Impact Assessment Act includes time limits for the issuance of decision statements.

The Minister must issue a decision statement no later than 30 days[65] after the impact assessment report is posted to the website. If the public interest decision was made by the Governor in Council, the decision statement must be issued no later than 90 days[65] after the impact assessment report is posted to the website.

The Impact Assessment Act also requires that the Minister establish a time period within which the proponent must substantially begin[70] the designated project. If the proponent does not substantially begin within that period then the decision statement will expire. The Minister may extend the period by any reasonable amount of time.

SECTION 65

(3) When a Minister makes a determination under paragraph 60(1)(a), he or she must issue the decision statement no longer than 30 days after the day on which the report with respect to the impact of a designated project, or a summary of that report, is posted on the Internet site.

(4) When the Governor in Council makes a determination under section 62, the Minister must issues the decision statement no later than 90 days after the day on which the report with respect to the impact assessment of the designated project, or a summary of that report, is posted on the Internet site.

SECTION 70

(1) The Minister must establish the period within which the proponent must substantially begin to carry out the designated project.

STEP 5:
FOLLOW-UP, MONITORING, AND COMPLIANCE & ENFORCEMENT

Under the Impact Assessment Act, there would be increased opportunities for Indigenous and community participation in follow-up and monitoring. In order to strengthen the compliance regime for impact assessments, new provisions would be proposed to verify compliance, issue orders and correct non-compliance.

OBJECTIVES:

- ✓ Increase confidence that conditions in the Minister's Decision Statement are being complied with
- ✓ Increase opportunity for meaningful participation in monitoring activities

KEY ACTIONS DURING THIS PHASE:

Proponent:

- ✓ Comply with Minister's Decision Statement
- ✓ Implement mitigation measures and follow-up program

Agency:

- ✓ Verify compliance with Minister's Decision Statement
- ✓ Use enforcement tools to prevent non-compliance
- ✓ Establish Monitoring Committees

Indigenous Peoples and other communities:

- ✓ Participate in Monitoring Committees
- ✓ Inform the Agency of potential non-compliance

OVERVIEW

FOLLOW-UP AND MONITORING ADVISORY COMMITTEES

At the end of the Impact Assessment Phase, the Minister of Environment and Climate Change issues a Decision Statement setting out the public interest decision and outlining any enforceable conditions that the proponent must comply with.

Where there is a federal life-cycle regulator for a project, conditions established by decision statements would continue to be set out in certificates, licences or permits of the life-cycle regulator[67]. The life-cycle regulator would continue to be responsible for monitoring project compliance with conditions throughout the project life-cycle.

Indigenous peoples and other communities could have an expanded role in monitoring impacts. Where circumstances warrant, the Agency would establish Environmental Monitoring Committees that would help provide additional confidence in the science and evidence used in follow-up and monitoring programs.

Information collected and the results of monitoring and follow-up programs would be made publicly available.

COMPLIANCE AND ENFORCEMENT

Strong provisions in the legislation would ensure that proponents comply with the proposed Impact Assessment Act. Under the current Act, the Canadian Environmental Assessment Act, 2012, the Minister of Environment and Climate Change has the power to designate persons or a class of persons as enforcement officers. Enforcement officers are responsible for verifying compliance and issuing orders to correct non-compliance. Under the proposed Impact Assessment Act, enforcement officers as well as analysts would be designated[120] under the Act.

Analysts would be persons with specific scientific or other expertise that is needed to support enforcement officers in carrying out their duties.

A process would be established to review issued orders of non-compliance. When an order of non-compliance has been issued, the person who was given the order may request in writing to the Agency that the order be reviewed[130]. The request for review of the order must take place within 30 days after the order was given. Orders remain in effect while the review is completed.

SECTION 67

(1) The Minister may, in a decision statement issued in relation to a designated project that includes activities that are regulated under the Nuclear Safety and Control Act, designate any condition that is included in the decision statement, and any condition designated by the Minister is considered to be a part of the licence issued under section 24 of that Act in relation to the designated project.

(2) A decision statement issued in relation to a designated project that includes activities that are regulated under the Canadian Energy Regulator Act is considered to be a part of the certificate, order, permit, licence or authorization issued, the leave or exemption granted or the direction or approval given under that Act in relation to the designated project.

(3) A decision statement issued in relation to a designated project that includes activities that are regulated under the Canada Oil and Gas Operations Act is considered to be a part of the authorization or licence issued, the approval granted or the leave given under that Act in relation to the designated project.

SECTION 120

(1) The Minister may designate persons or classes of persons as enforcement officers or analysts for the purposes of the administration and enforcement of this Act.

SECTION 130

(1) Any person or entity to whom an order is given under section 127 or 128 may, by notice in writing given to the President of the Agency within 30 days after the day on which the person or entity receives a copy of the order, make a request to the President for a review of the order.

New provisions would require the Agency to **publish more information**[152] related to compliance and enforcement, such as summaries of inspection reports and enforcement actions, to the Agency's website.

A new penalty scheme is proposed under the Impact Assessment Act. **Fines would be increased**[144] to align with amounts in other environmental legislation (e.g., the Canadian Environmental Protection Act, 1999). This penalty scheme would also allow for **different fines**[144] to be prescribed for individuals versus corporations.

SECTION 152

The Agency must publish, in the manner it considers appropriate,

(a) information or a document provided by a proponent to comply with a condition established under section 64 or added or amended under section 68;

(b) a summary of a report that an enforcement officer or analyst may prepare in the exercise of their powers or the performance of their duties and functions under sections 122 to 125;

(c) a notice of non-compliance referred to in section 126;

(d) a written order issued by an enforcement officer in accordance with section 127 or by a review officer under section 134; or

(e) a decision rendered under section 135.

SECTION 144

Penalty - individuals

(2) Every individual who commits an offence under sub-section (1) is liable on summary conviction

(a) for a first offence, to a fine of not less than $5,000 and not more than $300,000; and

(b) for a second or subsequent offence, to a fine of not less than $10,000 and not more than $600,000.

Penalty – small revenue corporations or entities

(3) Every corporation or entity that commits and offence under subsection (1) and that the court determines under section 145 to be a small revenue corporation or entity is liable on summary conviction

(a) for a first offence, to a fine of not less than $25,000 and not more than $2,000,000; and

(b) for a second or subsequent offence, to a fine of not less than $50,000 and not more than $4,000,000.

Penalty – other corporations or entities

(4) Every corporation or entity, other than a corporation or entity referred to in subsection (3), that commits an offence under subsection (1) is liable on summary of conviction

(a) for a first offence, to a fine of not less than $100,000 and not more than $4,000,000; and

(b) for a second or subsequent offence, to a fine of not less than $200,000 and not more than $8,000,000.

CUMULATIVE EFFECTS

The cumulative effects of development in a region are changes to the environment caused by a variety of activities over time.

OBJECTIVES:

- √ Provide a better understanding of the "big picture" of environmental issues outside of the context of individual project assessments
- √ Inform project assessments and decision-making
- √ Allow jurisdictions to better manage cumulative effects of development
- √ Understanding existing or potential cumulative effects on the rights and interests of Indigenous peoples

KEY ACTIONS:

Minister:

- √ May initiate a regional or strategic assessment
- √ Publicly respond to requests for a regional or strategic assessment to be conducted
- √ Consider cumulative effects and results of regional and strategic assessments in decision-making

Jurisdictions:

- √ Collaboratively propose potential regional and strategic assessments, including consulting the public, stakeholders, and Indigenous peoples
- √ Inform development of national environmental frameworks

Federal Departments:

- √ Launch open science and data platform
- √ Provide expertise and data
- √ Conduct regional assessments (terrestrial and marine)
- √ Conduct strategic assessments, beginning with one on climate change

The proposed Government of Canada approach to addressing cumulative effects has four key components:

- **Integrated open data and science platform:** A publicly-accessible, single window containing environmental science, knowledge and data, with tools that enable users to help understand the potential impacts of a project.
- **Regional assessments** that help to guide planning and management of cumulative effects (including on biodiversity and species at risk), identify the potential impacts on the rights and interests of Indigenous peoples, and inform project assessments.
- **Strategic assessments** that assess Government of Canada policies, plans, or programs to provide greater clarity and certainty as to how they apply to project assessments.
- **National environmental frameworks** that integrate science to provide guidance regarding acceptable levels of impacts

Cooperation with other jurisdictions, including Indigenous jurisdictions, and stakeholders is central to the development of this approach.

The Impact Assessment Act would support the delivery of regional and strategic assessments.

OVERVIEW

REGIONAL ASSESSMENT

The Impact Assessment Act would enable the Minister to **appoint a committee or ask the Impact Assessment Agency of Canada**[92] to conduct a **regional assessment**[93]. New provisions also require the impact assessment of designated projects to **consider any relevant study or plan of a region undertaken by a jurisdiction**[PREAMBLE], expanding upon existing provisions in CEAA 2012 that require regional studies to be considered in the assessment of designated projects. The Government is committed to cooperative approaches with jurisdictions, including provinces, territories and Indigenous jurisdictions that have responsibilities within the region.

Other Ministers may also lead regional assessments (outside of the Impact Assessment Act) of matters over which they have responsibility.

SECTION 92

The Minister may establish a committee – or authorize the Agency – to conduct a regional assessment of the effects of existing or future physical activities carried out in a region that is entirely on federal lands.

SECTION 93

(1) If the Minister is of the opinion that it is appropriate to conduct a regional assessment of the effects of existing or future physical activities carried out in a region that is composed in part of federal lands or in a region that is entirely outside federal lands,

(a) the Minister may

(i) enter into an agreement or arrangement with any jurisdiction referred to in paragraphs (a) to (g) of the definition jurisdiction in section 2 respecting the joint establishment of a committee to conduct the assessment and the manner in which the assessment is to be conducted, or

(ii) authorize the Agency to conduct the assessment; and

(b) the Minister and the Minister of Foreign Affairs may enter into an agreement or arrangement referred to in paragraph (h) or (i) of that definition respecting the joint establishment of a committee to conduct the assessment and the manner in which the assessment is to be conducted.

PREAMBLE TO THE BILL

The Government of Canada recognizes the importance of regional assessments in understanding the effects of existing or future physical activities and the importance of strategic assessments in assessing federal policies, plans or programs that are relevant to conducting impact assessments.

STRATEGIC ASSESSMENT

The Impact Assessment Act would provide the Minister of Environment and Climate Change the ability to initiate a strategic assessment[95] led by the Agency or by a Committee. Other Ministers may also lead strategic assessments of matters over which they have responsibility. Strategic assessments provide transparent, consistent guidance to proponents, decision-makers and the public on how existing environmental frameworks would be considered in the impact assessment process. Furthermore, strategic assessments of a class of projects could allow the Government of Canada to understand the potential impacts presented by a particular type of project in order to better inform and potentially streamline individual project assessments of that project type. Stategic assessments help to understand and address cumulative effects by better aligning projects with environmental frameworks that protect different aspects of the environment, such as climate change and biodiversity. In addition, strategic assessments could help clarify and streamline information requirements by setting out the data and methodologies required. The results[102] of any relevant strategic assessment would be considered in the assessment of designated projects.

The first strategic assessment undertaken by the Government of Canada will be on climate change. It will lay out how climate change considerations will be integrated in the impact assessment process and in determining whether a project is in the public interest. This will include determining how Canada's climate change commitments under the Paris Agreement and the Pan Canadian Framework on Clean Growth and Climate Change will be considered in project reviews.

FACTORS TO CONSIDER IN PROJECT ASSESSMENTS

The Impact Assessment Act would continue to require the consideration of cumulative effects that are likely to result from designated projects in combination with other activities that have been or would be carried out.

REQUESTS FOR REGIONAL OR STRATEGIC ASSESSMENTS

If the Minister receives a request that a regional or strategic assessment be conducted, the Minister must publicly respond[97] to the request, including publishing reasons for the Minister's decision to accept or deny the request. The response must be posted on the Agency website.

SECTION 95

The Minister may establish a committee – or authorize the Agency – to conduct an assessment of

(a) Any Government of Canada policy, plan or program – proposed or existing – that is relevant to conducting impact assessments; or

(b) Any issue that is relevant to conducting impact assessments of designated projects or a class of designated projects.

SECTION 102

On completion of the assessment that it conducts, the committee established under section 92 or 95 or under an agreement or arrangement entered into under subparagraph 93(1)(a)(i) or paragraph 93(1)(b) or the Agency, as the case may be, must provide a report to the Minister.

SECTION 97

The Minister must respond, with reasons and within the prescribed time limit, to any request that an assessment referred to in section 92, 93 or 95 be conducted. The Minister must ensure that his or her response is posted on the Internet site.